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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,353	12/18/2001	Jeffrey Thomas Robertson	10010954-1	3483

7590 10/29/2004
AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

CHANG, DANIEL D

ART UNIT	PAPER NUMBER
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2819

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,353

Applicant(s)

ROBERTSON ET AL.

Examiner

Daniel D. Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 1 is still objected to because of the following typographical error has not been corrected: On line 14, "driver enable" appears to be --drive enable--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al. (US 5,424,996).

Regarding claim 1, Martin et al. discloses, in Fig. 2, an apparatus for ensuring signal integrity of signals output from a latch, the apparatus comprising:

a first latch (10), the first latch having an input (IN), an output (OUT) and a latch enable (SET; col. 4, lines 37+);

a tri-state buffer (14) having an input, an output (connected to 22) and a drive enable (19);

a first conductive line (the line connecting 10 and 14) connecting the input of the buffer being to the output of the first latch;

a second latch (12), the second latch having an input (IN), an output (OUT) and a latch enable (SET; col. 4, lines 37+);

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a second conductive line (the line connecting 12 and 16), the second conductive line being connected to the output of the buffer (via buffer 16) and to the output of the second latch, wherein when the drive enable is asserted (when 19 is HIGH; col. 5, lines 8+), the buffer drives the output of the first latch such that signal integrity of the output of the first latch is ensured (since data is latched at 10 and buffer 14 is enabled), and wherein when the drive enable is not asserted (when 19 is LOW), the tri-state buffer exhibits high output impedance (inherent for a tri-state buffer) that isolates the second latch from the first latch.

Method claim 10 is essentially the same in scope as apparatus claim 1 and are rejected similarly.

Response to Arguments

Applicant's arguments filed 10/15/2004 have been fully considered but they are not persuasive.

Applicant argues, on page 7 of the Amendment filed 10/15/2004, that “the output of latch 12 is connected to the input of buffer 16, not to the output of buffer 14”. This is partially correct.

As rejected above in claims 1 and 10, the second conductive line is connected to the output of the buffer **via buffer 16** and to the output of the second latch 12. The case law states that, “Connected to one another” includes being joined together, but is broader than that, in that two things are directly connected. --*Kreis AG v. American Hospital Supply Corp. (DC NIII) 192 USPQ 585*. Therefore, in order for the claims 1 and 10 to be allowable, it is recommended that the recitation, “the second conductive line being connected to the output of the buffer and to the

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output of the second latch” be changed to --the second conductive line being **directly** connected to the output of the buffer and to the output of the second latch --.

Allowable Subject Matter

Claims 2-9, 11-14 are allowable over the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

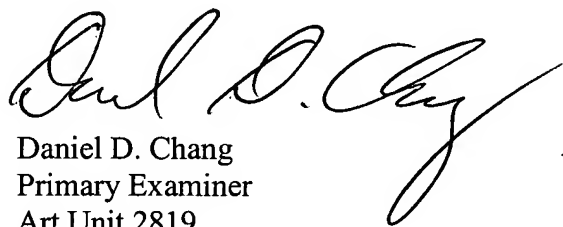
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Chang whose telephone number is (571) 272-1801. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Tokar can be reached on (571) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel D. Chang
Primary Examiner
Art Unit 2819

dc

DANIEL CHANG
PRIMARY EXAMINER